

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KEVIN EUGENE SWARTZ,	:	Case No. 15-CV-393
	:	
Plaintiff,	:	(Judge Brann)
	:	
v.	:	
	:	(Magistrate Judge Mehalchick)
SEALED POWER CORPORATION	:	
	:	
Defendant.	:	

ORDER

February 2, 2016

The undersigned has given full and independent consideration to the December 10, 2015 Report and Recommendation of Magistrate Judge Karoline Mehalchick (ECF No. 25) regarding Defendant's motion to dismiss for failure to state a claim, motion to dismiss for lack of jurisdiction, or in the alternative, for a more definite statement (ECF No. 11). No objections to Magistrate Judge Mehalchick's Report and Recommendation were filed.

The Court has reviewed the R&R only to detect clear non-conformance with well-established law. See Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987) (although the Court is not required to review magistrate judge's report absent objections, "the better practice is for the district judge to afford some level of review to dispositive legal issues raised by the report"). This Court agrees with Magistrate Judge Mehalchick's recommendations and will not rehash her

reasoning. Therefore, this Court will adopt the Report and Recommendation in its entirety.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Magistrate Judge Mehalchick's Report and Recommendation is
ADOPTED in full. December 10, 2015. ECF No. 25.
2. Defendant Sealed Power Corporation's Motion to Dismiss is
GRANTED in part and Plaintiff's complaint is dismissed without
prejudice pursuant to Rule 12(b)(6).
3. Plaintiff is granted leave to amend his complaint within thirty (30)
days. If Plaintiff does not amend his complaint in accordance with the
requirements of Magistrate Judge Mehalchick's Report and
Recommendation, it will be dismissed with prejudice.

BY THE COURT:

/s Matthew W. Brann
Matthew W. Brann
United States District Judge